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RUSBY LETTER DID NOT REACH WILEY

Message Declared to Have Been Mutilated by Personnel Board.

CHEMIST TELLS OF YEARS OF REBUFFS

Gives Illuminating Information Regarding Controversy Before Investigating Committee. Nearly Always Overruled, and Found It Useless to Appeal.

Washington, August 16.—Dr. Harvey W. Wiley, chief of the bureau of chemistry of the Agricultural Department, testified before the House investigating committee today that he has surrendered practically all of his authority for enforcing the pure food law to Dr. F. L. Dunlap, associate chemist, and George P. McCabe, solicitor of the Agricultural Department. Overruled in two-thirds of the cases and having brought before the food and drug inspection board, composed of these two men and himself, he decided that he had found it useless to appeal to Secretary Wilson, and had not even received an answer to one of the most urgent appeals he had made to the secretary.

Dr. Wiley, summoned before the committee to tell of his connection with the employment of Dr. H. H. Rusby on an alleged illegal contract, gave to the committee the most illuminating information that has been developed in the investigation now being made of the Agricultural Department.

He testified he had never received the letter from Dr. Rusby which was used by the personnel board to prove that he knew about the Rusby contract. He said that in using this letter, the personnel board had omitted its most essential portion, namely, the statement of Dr. Rusby that "we have agreed upon the following arrangement as fair and satisfactory, if approved by the department."

Dr. Wiley stated that Solicitor McCabe held the decisive vote on the board of food and drug inspection. When Dr. Wiley and Dr. Dunlap disagreed on questions of chemistry it was Solicitor McCabe who decided whether a prosecution should be made. In fully one hundred cases said Dr. Wiley, where he and Dr. Dunlap had voted together and Solicitor McCabe had disagreed with them, Dr. Dunlap resigned his vote to agree with Mr. McCabe.

"Did you ever appeal from these decisions?" he was asked.

"I found it was useless to appeal," said Dr. Wiley, "for the secretary invariably upheld the decision of the board."

In two cases he did appeal, he added, where he thought public health was "seriously menaced." One of these involved the labeling of gluten flour, the food of diabetes patients. The board's decision, he believed, left physicians without sufficient information as to the exact contents and strength of the flour. In this case the secretary upheld the board.

The other case involved the labeling of fruits and fruit products, which contained sulphur dioxide. This subject is now before the Remsen pure food referee board. The board, composed of three cabinet members, Secretaries MacVane, Wilson and Nacole, decided that manufacturers could continue to use the sulphuring process, if the fact was made clear on the label.

Decision Is Made.

Dr. Wiley left the Agricultural Department one day at 4 o'clock to go to Boston. Between that time and 4:30 o'clock, when the department closed, he said, a special meeting of the board of food and drug inspection was called. Dr. Dunlap acting as chairman, and a decision was made overruling the "three secretaries' board," and permitting manufacturers to use the sulphuring process without publishing the fact on their labels.

As soon as he returned to Washington and learned of the action, said Dr. Wiley, he wrote to Secretary Wilson, appealing to him from the decision, and declaring that the health of the public, particularly of invalids to whom fruit juice is often prescribed, was seriously threatened by the decision; and that the board of food and drug inspection had no right to overrule the three secretaries.

"What was Secretary Wilson's answer?" asked Representative Floyd, of Arkansas, who has conducted the questioning for the committee.

"I never received an answer," said Dr. Wiley.

Room Crowded With Spectators.

The big room in which the committee is holding its hearings on the Wiley controversy was packed with spectators before 10 o'clock this morning. The presence of Senators, members of the House, government officials and members of the Cosmos Club, in which Dr. Wiley is moving, testified to the interest in the case. Several times, when Dr. Wiley made telling points against the alleged Agricultural Department cabal and revealed the methods by which the personnel board had endeavored to make a case against him, and oust him from the department, the audience testified its approval by ripples of applause.

Dr. Wiley will continue on the stand to-morrow, and go further into the details of the active antagonism to his efforts to enforce rigidly the food and drug law.

His Educational Training.

Dr. Wiley told of his educational training for the pure food life work, and described his arduous and successful career in the department of the opposition of food manufacturers. He said he had taken the old-fashioned classical course at Hanover College, with "some science, not much." Later he studied medicine, graduated from

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WHOLE NUMBER 18,714. RICHMOND, VA., THURSDAY, AUGUST 17, 1911. THE WEATHER TO-DAY—Fair.

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PLAYHOUSE GOES TO BROAD STREET

Park Hotel Site Bought by Wallerstein for Lyric

CHURCHES HAVE WON THEIR FIGHT

Grace Street Location Abandoned in Face of Ordinance—New Theatre to Occupy Plenty of Ground—Entrance to Be Had Through Arch.

Though still convinced that there was no valid law by which the city could deny a license to the Lyric Theatre, at Eighth and Grace Streets, the promoters have definitely abandoned the idea of building on that corner. announcement being made yesterday that the Park Hotel, at Ninth and Broad Streets, had been acquired, and that a bigger and a better Lyric would be erected on that site.

Possession, however, will not be secured before April 1. Even if the property could be delivered to-day it would not be possible to build in time for the season which is now approaching. It has been decided, therefore, to begin work next spring, with the idea of having the house open for its first attractions early in the autumn of 1912.

Bought on Broad.

Henry S. Wallerstein, who had the contract for the erection of the Lyric, which had been leased by the Wells Amusement Company for a long term of years, recently got into the Broad Street real estate market and bought the Park Hotel, without shouting his plans from the rooftops. At the same time he acquired adjoining property, which had been leased by the Wells Amusement Company for a long term of years, recently got into the Broad Street real estate market and bought the Park Hotel, without shouting his plans from the rooftops. At the same time he acquired adjoining property, which had been leased by the Wells Amusement Company for a long term of years, recently got into the Broad Street real estate market and bought the Park Hotel, without shouting his plans from the rooftops.

James J. Pollard, of Pollard & Bagby, who had charge of the transaction, declined yesterday to deny or confirm the report, but it is known that practically every arrangement has been made and that the Park Hotel people will be notified within the next few days that they must vacate by April 1. Extensive changes, it is said, will be made in the plans for the Lyric, which will add greatly to its seating capacity and facilities, and which will run the total cost of site and building up to \$250,000 or more. While the site is about one block east of the real shopping end of Broad Street, it is regarded as exceptionally desirable—far more so than the place formerly selected on Grace Street.

Prohibitory Ordinance.

Negotiations have been pending for some time, and it has been reported for several weeks that the Lyric would not be located on a corner which had aroused such violent objections from the churches and the City Council. Indeed, the passage of the ordinance to prohibit the issuance of a license to any place of amusement within 150 feet of a church, notwithstanding the fact that a permit had already been issued by the city, was the direct result of a well organized fight by the vestry of St. Paul's Episcopal and by St. Peter's Catholic Churches, both in the same block. It has been virtually agreed to test the legality of the ordinance by a petition to the Supreme Court for a writ of mandamus, but lately the promoters have gracefully yielded, and there will be no occasion now for a contest in the courts. Exactly what provision will be made of the property at Eighth and Grace has not been stated, though it is regarded as a most valuable site in what is destined to become strictly a business center.

Some weeks ago Jake Wells and M. L. Hofheimer had several conferences, at which they discussed the sale or lease of the Empire Theatre, which the principal hotels in the South. It is expected that the New Richmond will be completed before the Park Hotel expires next spring, so the whole deal can be put through without inconvenience to any business concern.

Ready for President.

Washington, August 16.—The Senate, without division or discussion, today agreed to the conference report on the campaign publicity bill, and the report was presented to the House, action being deferred there until probably to-morrow. The measure will then be ready for the President's signature.

(Continued on Sixth Page.)

MONTAGUE MAKES REPLY TO ELLYSON

Says Published Statements Have No Semblance of Truth.

DIRECT ISSUE OF VERACITY

Former Governor Criticizes State Chairman for Not Remaining Neutral in the Present Contest—Discusses Campaigns in Which He Was a Candidate.

Issues of veracity are raised by former Governor A. J. Montague, in an interview given out by him yesterday in reply to a recent statement from Lieutenant-Governor J. Taylor Ellyson. Mr. Montague denies that he said during the campaign of 1901, when he was a candidate for Governor, that "the railroads ought to help" and emphasizes this by affirming that "each and every word of it (Mr. Ellyson's statement) is without the semblance of truth." He also denies using the language attributed to him by Mr. Ellyson regarding the campaign contribution of Captain Joseph E. Willard.

Mr. Montague reviews briefly his own record and his own campaigns so far as railroad contributions are concerned. He concludes by criticizing Mr. Ellyson, chairman of the party, for taking sides in the present contest, denouncing his position as "at once inexcusable and disgraceful."

Confesses Machine.

The interview is as follows: "Mr. Ellyson says that I have made 'complaint against her (Virginia's) people.' He knows this is untrue, so he at once proceeds to substitute the Democratic party for the State, and then 'the present party management' for the party itself. It is this indefensible substitution of the 'party management' for the party and the 'present party management' for the party itself, and it is this very substitution, this making the organization, the servant, greater than its master, the party, that constitutes the machine. So Mr. Ellyson's shameful substitution in itself confesses the existence of the machine."

"He next contends that inasmuch as I have held office for twelve years I should not criticize this machine. Here he and I again differ; for I believe that though one has held one thousand offices for one thousand years, he is not deprived of his right of criticism of his party or its management. I have never treated public office as a bribe to secure my silence."

Oppose by Machine.

"It is true that I was United States district attorney for a little over four years under appointments by President Cleveland and Chief Justice Fuller, respectively. The machine did not make these appointments. I was subsequently nominated for Attorney-General and the governorship; but I imagine that the machine would have served as long for a United States district attorney as it would for a Republican administration for two years. Intending thereby to impeach my party loyalty. I served as one of six delegates of the United States to the Pan-American Conference at Rio de Janeiro, and I served as one of the delegates to the International Conference on Maritime Law at Brussels in the fall of 1909 and 1910, the two sessions consuming about four weeks. Thus two months and not 'two years' were spent under these two non-partisan appointments. The machine did not make these appointments, and without my knowledge or that of any friend of mine, so far as I know. But the grievance of Mr. Ellyson now seems to be that these two appointments were tendered to me instead of to a machine man. This does not sustain my argument that the machine endeavors always to malign any free Democrat who may hold office or appointment. But it is known that the machine has presented many candidates to the President for high position, and that the machine recommendations make Republicanism the President's? Mr. Ellyson's contention implies that of two appointments made by a Republican administration, the machine man is a Democrat, and that anti-machine Democrat is a Republican. Consistency and truth lie outside of the pathway of the machine."

Campaign Funds.

"But Mr. Ellyson belauds the issue, it is not the raising, but the distribution, of campaign contributions for the years of 1891 and 1893; it is the private and secret distribution of funds by Mr. Thompson and others to candidates for the Legislature, and to persons after those candidates were elected, that makes the issue."

"And in connection with this issue I stated at Staunton that such unofficial and private distribution of money in 1891 and 1893, were not justifiable, and the present clamor of 'white supremacy' and I cited General Fitz Lee as favoring 'white supremacy' as much as any man, living or dead, and that he had been a secret and sinister contributor by Mr. Thompson and others. I made no mention of Mr. Ellyson in this connection, and why should he now come forward to defend these private distributions? Does he not thereby again confirm my contention that the machine is practically the attorney or partisan agent of unfair methods?"

"Mr. Ellyson next demands that these candidates who received these private and unofficial contributions should be named; indeed, he declares that not to do so 'is as cowardly as the South.' Ward, who can name these men except those who paid money? The cruelty and cowardice

ANOTHER AVIATOR FALLS INTO LAKE

Arthur Stone Has Narrow Escape From Death.

JULGES INSISTED THAT MEN GO UP

Airmen, Unnerved by Badger's and Johnstone's Deaths Protested Against Further Flights, but Officials Could Not Be Moved—Several Have Close Calls.

Chicago, August 16.—Arthur Stone, driver of a Queen monoplane, was snatched back from death at the International Aviation meet here to-day after hopes for his life had been given up.

Howard Gill, in a baby Wright, came almost as close to death, but escaped unhurt from under the wreck of his machine.

Lincoln Beachey, after being driven far to the south, and fighting his way back over the field, glided three thousand feet in safety to the earth, after his engine had stopped suddenly.

James Ward had an equally hard task to make his way from far out over Lake Michigan, but descended safely in the field.

Stone's machine fell into the lake just at dusk. He leaped from the falling plane, and was rescued, at the point of exhaustion, by a motor boat after he had supported himself in the water for more than half an hour. His machine was not wrecked.

That Stone was rescued was attributed largely to the insistence of his wife that he guard himself with a life-preserver. Unnerved by the deaths yesterday of William R. Badger and St. Croix Johnstone, and deterred by a high wind, many of the flyers here protested against going up, and warned the contest committee that the aeroplanes could not be controlled in the half-gale that prevailed in the upper air.

The judges were insistent, and finally half a dozen flyers rose for a cross-water race from the shore around the Carter H. Harrison cove, three and a half miles out.

Fate Was Unknown.

Thomas Sopwith had completed the second lap of the race, and been declared winner, when a cry arose that Stone's machine had fallen into the water, and that the aviator was drowned. Stone's fate was unknown until Commodore James H. Hargrave's motor boat Disturber II reached the Chicago Yacht Club's landing with Stone alive and well.

Report that Stone had been drowned were flashed to the bankers. Almost the first to hear of his disappearance was his wife, Irene Stone, who, with her baby, awaited Stone's return from the race far over the lake.

Then Robinson's hydroplane, pilot of the Curtiss team, darted in and told that he had been unable to find any trace of the missing aviator.

As Mrs. Stone darted out from a group of friends who sought to have her return to the hotel, an automobile came in from the lake front and assured Mrs. Stone that her husband had been picked up, alive and merely the victim of a ducking.

"I'm mighty glad I made Arthur put on that life-preserver," Mrs. Stone exclaimed, her tears quickly drying.

"I'm sure it saved his life," she replied, smiling at a friend.

Howard Gill, of the Wright team, promised the first feature of a Roman holiday when his machine, suddenly checked, as it skimmed over the ground after a perfect landing, toppled over with terrific force. Gill was pinned for an instant 'twist tangled' and taut canvas of the baby Wright. Before startled spectators had reached him he dug himself from the ruins. He declared afterwards that he was not hurt, but that his machine was wrecked.

Had Narrow Escape.

Gill really had a narrow escape. He probably owes his life to the new feature of construction employed in the baby Wright biplane. The engine, instead of resting in the rear of the aviator, was moved to one side.

DENIES OPPONENT'S STATEMENT



SENATOR CLAUDE A. SWANSON.

GENERAL STRIKE EXPECTED TO-DAY

Ultimatum of English Railway Employes Expires This Morning.

EFFORTS AT CONCILIATION

Government Promises Protection to Companies if Walkout Materializes.

Renewal of Rioting Occurs in Liverpool

Liverpool, August 16.—A renewal of rioting, growing out of the strike of dockers and allied unions, occurred to-night in the Scotland Road division of the city. The police again had to make baton charges, and the soldiers also were called upon. Their presence, however, was sufficient to overawe the rioters, who dispersed.

Motor wagons, which were conveying print paper to newspaper offices, were attacked, street cars were smashed, and an attempt was made to release prisoners from vans conveying them to Walton jail. Police and soldiers, however, were in great force, and the crowd was not so daring as on Tuesday night, and did not compel the militia to fire.

To-night the troops are bivouaced in the streets. Their orders are not to fire except in the case of a riot, but to keep the streets clear of the future, as this endangers innocent parties, but if it becomes necessary to shoot, to pick out the apparent ringleaders of the mob.

Coal and provisions are being brought into the city under military escort.

In many others of the great provincial towns business has been partly or completely dislocated by reason of strikes.

The strike committee to-night issued an order calling out all the street car employes of Liverpool.

London, August 16.—Meetings with a view to settling the controversy between the railway companies and their employes were held to-day and to-night at the Board of Trade, but when they adjourned late to-night the situation remained as far from being solved as when they began. The railway managers declared they had been promised protection in running their trains, and would not yield to their men; the representatives of the railway men's unions declared the strike would take place at the expiration of their ultimatum, to-morrow morning.

At Aldershot the military authorities are taking every precaution to insure the working of the railways in the event a strike is called. Every soldier is armed with a rifle, and has been placed under orders for duty.

All the soldiers will be armed with rifles and ball ammunition. They will be stationed along the railway lines north and south of London, while the cavalry will be employed at stations, and also will patrol the lines, so as to be able to get quickly to any point of danger. Trains will be worked by flag signals.

It is estimated that 25,000 men from Aldershot will be prepared to move in a few hours, trains to accommodate that number having been assembled there. Similar precautions also have been taken at all other military stations in England, Scotland and Wales, so that in case of need every available soldier will be on duty to insure the continuance of railway traffic.

Though the government to-day made an energetic attempt to avert the calamity of a general railway strike, present indications are that one will materialize at 3 o'clock to-morrow, when the ultimatum of the employes expires.

In the conference to-day and to-night at the Board of Trade, representatives of both sides met Sidney Buxton, president of the board, but there was no meeting between the contending parties.

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SWANSON SAYS CHARGE IS FALSE AND SLANDEROUS

Reads With Contempt Speech Made by Glass at Bristol.

CARRIED STOCK AS SPECULATION

Tells of Purchase on Margin and Sale of Shares, and Declares There Was Not Slightest Impropriety in Legitimate Transaction—Asked No Aid From Thompson.

BY SENATOR CLAUDE A. SWANSON.
[Special to The Times-Dispatch.]
Washington, D. C., August 16.—I have just read with surprise and contempt the speech that Mr. Glass made at Bristol, in which he refers to me as having improperly used my position as a member of Congress and as a member of the Ways and Means Committee of the House of Representatives to promote my financial interests.

These statements, which Mr. Glass is reported as to have made, are false and slanderous, and were known by Mr. Glass to be false and slanderous when he made them. The references which Mr. Glass made to my being a stockholder in the American Tobacco Company must have been the result of a false and perverted account which at one time was circulated as a rumor to the effect that I was the owner of stock in the American Tobacco Company.

While my business transactions can hardly be matters of interest to the public, I have had none which I would be unwilling to throw open to the view of the Virginia people. When a false and slanderous statement is made in respect to them, I, of course, seek the first opportunity to give to the public every fact which will show that the slanderous statements of my opponent could have grown.

Bought Stock on Margin.

In 1898, while I was at Chatham, Va., when Congress was not in session, I purchased on margin 200 shares of the stock of the American Tobacco Company. I put up the usual margin required by brokers in speculative transactions. The stock was never in my possession, and I do not suppose it was ever transferred to my name on the books of the company. The broker held the stock only a short time, and I never voted it or gave any one a proxy to vote it.

"I was never in any essential sense a stockholder, but simply carried the 200 shares of stock as a speculation, through the agency of a broker, with the view to making a speculative profit. It was a stock carried in on the market and I thought it was low and thought by buying some of it and holding it for a short time that I could make a profit. It was a perfectly legitimate transaction made by me on strictly business principles. There was not the slightest impropriety in it. A year or two later when Congress was not in session and when no legislation was pending or contemplated and when I had no more knowledge or no more opportunity for knowledge than any other business man I purchased 250 shares of this stock on margin, for the same purpose, and in the usual way. This stock was sold shortly afterwards. The two transactions were similar and there was not the slightest wrong or impropriety in either case.

Manifestation of Malice.

"No doubt Mr. Glass has some business purchases of stock on my part. These are the only transactions I ever had in the stock of the American Tobacco Company and constitute the only connection I ever had with the company or any of its business affairs. The time at which Mr. Glass has made these matters and pervert the same to evil purposes is a manifestation of his malice and enmity toward me which have characterized his candidacy from its inception. I have given fully and frankly all the facts and I am willing to have the judgment of the people of Virginia in respect to a fair and reasonable transaction on my part which Mr. Glass, for his own aggrandizement, has misrepresented in a malicious and vindictive spirit.

"Although these transactions could not by any possibility have had any relation or bearing on my official conduct as a member of Congress, I will take occasion to say that my record will disclose that in all my votes and actions, both as a member of the Ways and Means Committee and as a Congressman, I supported the measures which were beneficial to the tobacco growers and independent tobacco manufacturers and desired by them. Numerous resolutions were passed by these bodies thanking me for my inviolable loyalty to their interests. I invite the fullest scrutiny of my record in this charge.

Charge a Fabrication.

"I notice in the same speech Mr. Glass charges that Mr. J. S. B. Thompson came to Washington and demanded my appointment as Senator. In reply to this I desire to say that at no time did I or any one for me in any way communicate with Mr. Thompson, nor did he or any one for him communicate with me in regard to my appointment as United States Senator. I never had the slightest information from any source as to anything Mr. Thompson did or what his preference was in reference to this senatorship. I am satisfied the charge is a pure fabrication, and I do not believe Mr. Glass can name a human being who would be so responsible for the statement he has made, and he owes it to the public to name his source of information or admit that he has willfully falsified the truth."

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